

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH MILLS,

Petitioner,

No. CIV S-03-0341 GEB EFB P

vs.

EDWARD S. ALAMEIDA, JR., et al.,

Respondents.

ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” *See* Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Petitioner has notified the court of a change of address. The documents ordered reserved on September 29, 2006, will be ordered to be reserved again at petitioner’s current address of record.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's October 2, 2006 request for appointment of counsel is denied
3 without prejudice.

4 2. The Clerk of the Court shall reserve a copy of the court's findings and
5 recommendations issued on September 6, 2006, to petitioner's new address of record.

6 DATED: October 5, 2006.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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